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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,419	01/15/2004	Tsutomu Takiguchi	10973-114001 / K43-163800	5657
26211	7590	12/15/2005		EXAMINER
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/758,419	TAKIGUCHI ET AL.	
	Examiner Lee Y Quach	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 January 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-8 is/are rejected.
 7) Claim(s) 9 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 15 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/15/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings 4, 5 and 18 are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “419” has been used to designate both “opposed rib” as shown in drawing figure 18 and “stoppers” as shown in drawing figures 4 and 5.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: reference numeral “419” is used for two separate elements, “an opposed rib” on line 21 of page 24 and “stoppers” on lines 19 to 20 of page 33. Page 33, line 17, the reference numeral “427” is incorrect and it should be changed to --426--. The element “stoppers” is represented by two separate reference numerals “419” on lines 19 and 24 of page 33, and “491” on line 24 of page 33. Appropriate correction is required.

Claim Objections

4. Claims 4 to 7 and 9 are objected to because of the following informalities: In claims 4 and 7, line 12, the term “a housing” is incorrect because it does not have a clear meaning within the context of the claim and it should be changed to --casing--. Note line 7, a casing is recited. In claim 9, lines 12 and 18, the term “a housing” is incorrect because it does not have a clear meaning within the context of the claim and it should be changed to --casing--. Note line 7, a casing is recited. Claims 5 and 6 depend on objected claim 4 and as such are also objected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayami.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Hayami shows a vehicle headlamp unit (3) comprising luminous distribution control means for controlling a direction or a range of illumination by light from a light source, an actuator (4) for driving the luminous distribution control means, the actuator comprising a resin molded casing (41), a gear mechanism (44) and a board (45) contained in the casing, the casing including a step like rib (418) formed at an inner side of a peripheral edge portion of the casing, an opposed rib (figure 6, the external bottom edge portion of the lower casing 41D) formed at an outer side of the peripheral edge portion extending along a channel shaped groove (figure 6) recessed toward the step like rib, and the rib supporting at least one of the gear mechanism and the board.

7. Claims 4 to 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayami.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Hayami shows a vehicle headlamp unit (3) comprising luminous distribution control means for controlling a direction or a range of illumination by light from a light source, an actuator (4) for driving the luminous distribution control means, the actuator comprising a resin

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molded casing (41), a gear mechanism (44) contained in the casing, a brushless motor (42) comprising a stator coil (424) fixedly supported to one of a board (45), a rotor (426) including a yoke (427) supporting a rotor magnet (428) provided around the coil connected to a rotation shaft (423), a gear (441) connected to the shaft and in mesh with a gear mechanism (44), the gear formed integrally on a central portion of an outer end surface of the yoke (figure 4), a shaft hole (figures 4 and 6) formed through the gear to extend along a centerline of the gear, the shaft passing through the hole in a fitted condition, the yoke and the gear formed integrally with each other and made of resin (paragraph 0027, lines 1 to 2), the yoke connected to the shaft by inserting the shaft substantially directly in the yoke, the yoke having a cylindrical container shape (figure 4), and the magnet having an annular shape (figure 4) and mounted on an inner peripheral surface of the yoke.

8. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Hayami.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Hayami shows a vehicle headlamp unit (3) comprising luminous distribution control means for controlling a direction or a range of illumination by light from a light source, an actuator (4) for driving the luminous distribution control means and comprising a resin molded casing (41), a gear mechanism (44) contained in the casing, a brushless motor (42) comprising a stator coil (424) fixedly supported to a board (45) by fixing means having a positioning structure (414) for positioning the coil, and a rotor (426) including a yoke (427) supporting a rotor magnet (428) provided around the coil connected to a rotation shaft (423).

9. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Hayami.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Hayami shows a vehicle headlamp unit (3) comprising luminous distribution control means for controlling a direction or a range of illumination by light from a light source, an actuator (4) for driving the luminous distribution control means and comprising a resin molded casing (41), a gear mechanism (44) contained in the casing, a brushless motor (42) comprising a stator coil (424), a rotor (426) including a yoke supporting a rotor magnet (428) provided around the coil connected to a rotation shaft (423), a core base (424) integrally connected to a core (425) of the coil for supporting the coil on a board (45), the core base including engagement means (figure 4, the top protruding elements opposite terminals 425a) for integrally connecting the core base to the core, and terminals (425a) for supporting the core base on the board and for electrically connecting coils (figure 6) wound on the core to the board.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayami.

Hayami discloses the invention substantially as claimed with the exception of having one of a plurality of gears of the gear mechanism made of a resin having self-lubricating properties.

It would have been an obvious matter of design choice to make at least one of the gears of the gear mechanism a resin having self-lubricating properties, since such a modification would have involved a change in the material of a component. A change in the material is generally recognized as being within the level of ordinary skill in the art to accommodate different intended applications.

12. Claim 9 would be allowable if rewritten or amended to overcome the objection under set forth in this Office action.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hayami et al. (6,623,147) is cited to show other pertinent vehicle lighting apparatus.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
December 6, 2005



Y Quach Lee
Primary Examiner
Art Unit 2875